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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,072	09/21/2000	Jin Soo Lee	P-128	9016

37803 7590 02/23/2006

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EXAMINER	
TRAN, PHILIP B	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/667,072	LEE ET AL.	
	Examiner	Art Unit	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/8/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Notice to Applicant

1. This communication is in response to amendment filed 28 November 2005. Claims 13-18 are pending for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The analysis under 35 U.S.C. 112, first paragraph, requires that the scope of protection sought be supported by the specification disclosure. The pertinent inquiries include determining (1) whether the subject matter defined in the claims is described in the specification and (2) whether the specification disclosure as a whole is to enable one skilled in the art to make and use the claimed invention.

(1) Claims 13, 15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The "invention" for the purpose of the first paragraph analysis is defined by the claims. The description requirement is simply that the claimed subject matter must be described in the specification. The function of the description requirement is to ensure that the applicant had possession of the invention on the filing date of the application. The application need not describe the claim limitations exactly, but must be sufficiently

clear for one of ordinary skill in the art to recognize that the applicant's invention encompasses the recited limitations. The description requirement is not met if the application does not expressly or inherently disclose the claimed invention.

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claims 13, 15 and 17:

- **a respective preference value** for each browsing preference in the plurality of browsing preferences, wherein **the respective preference value** indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre (see claim 13).
- wherein the browsing preferences assign **a respective preference value** to each **summary preference** in the plurality of **summary preferences**, **the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre (see claim 15).
- wherein the data structure assigns **a respective preference value** to each **summary preference** of the plurality of **summary preferences**, **the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre (see claim 17).

Therefore, claims 13, 15 and 17 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claimed limitations.

(2) Claims 13, 15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The enablement requirement necessitates a determination that the disclosure contains sufficient teaching regarding the subject matter claimed as to enable one skilled in the pertinent art to make and use the claimed invention. In essence, the scope of enablement provided to one ordinarily skilled in the art by the disclosure must be commensurate with the scope of protection sought by the claims.

Currently, the most prevalent standard for measuring sufficient enablement to meet the requirements of 112 is that of "undue experimentation". The test is whether, at the time of the invention, there was sufficient working procedure for one skilled in the art to practice the claimed invention without undue experimentation. It is important to note that the test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, it is undue. A skilled artisan is given sufficient direction or guidance in the disclosure. Moreover, the experimentation required, in addition to not being undue, must not require ingenuity beyond that expect of one of ordinary skill in the art.

Undue experimentation and ingenuity would be required beyond one ordinarily skilled in the art to practice the following steps as recited in claims 13, 15 and 17:

- **a respective preference value** for each browsing preference in the plurality of browsing preferences, wherein **the respective preference value** indicates

relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre (see claim 13).

- wherein the browsing preferences assign **a respective preference value** to each **summary preference** in the plurality of **summary preferences, the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre (see claim 15).
- wherein the data structure assigns **a respective preference value** to each **summary preference** of the plurality of **summary preferences, the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre (see claim 17).

Undue experimentation would be needed to specify **a respective preference value** for each browsing preference in the plurality of browsing preferences, wherein **the respective preference value** indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre and assign **a respective preference value** to each **summary preference** in the plurality of **summary preferences, the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al (Hereafter, Sezan), U.S. Pat. No. 6,236,395 in view of Williams et al (Hereafter, Williams), U.S. Pat. No. 5,945,988.

Regarding claim 13, Sezan teaches a method of describing user preferences pertaining to navigation of and access to multimedia content, the method comprising providing user preference information in a user profile, the user preference information describing browsing preference information that specifies a plurality of browsing preferences, a first genre to which the plurality of browsing preferences apply (= a user

description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner) [see Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33].

Sezan does not explicitly teach a respective preference value for each browsing preference in the plurality of browsing preferences, wherein the respective preference value indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre. Williams, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in retrieving multimedia information related to user's preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in obtaining appropriate multimedia information according to user's preference, disclosed by Williams, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

Regarding claim 14, Sezan further teaches the method of claim 13, wherein the plurality of browsing preferences is described in a hierarchical structure [see Col. 22, Line 5 to Col. 24, Line 11].

Regarding claim 15, Sezan teaches a method of describing user preferences pertaining to navigation of and access to multimedia contents, the method comprising providing browsing preferences describing a plurality of summary preferences that apply to a first genre of multimedia contents (= a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner) [see Abstract and Col. 1, Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33].

Sezan does not explicitly teach the browsing preferences assign a respective preference value to each summary preference in the plurality of summary preferences, the respective preference value indicating relative priority for selecting the corresponding summary preference for browsing multimedia content of the first genre. Williams, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in retrieving multimedia information related to user's preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in obtaining appropriate

multimedia information according to user's preference, disclosed by Williams, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

Regarding claim 16, Sezan further teaches the method of claim 15, wherein the plurality of summary preferences is described in a hierarchical structure [see Col. 22, Line 5 to Col. 24, Line 11].

Claims 17-18 are rejected under the same rationale set forth above to claim 15-16, respectively.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claims 13, 15 and 17 such as specifying **a respective preference value** for each browsing preference in the plurality of browsing preferences, wherein **the respective preference value** indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre and assigning **a respective preference value** to

each **summary preference** in the plurality of **summary preferences, the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre. Therefore, claims 13, 15 and 17 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claimed limitations.

Also, undue experimentation would be needed to specify **a respective preference value** for each browsing preference in the plurality of browsing preferences, wherein **the respective preference value** indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre and assign **a respective preference value** to each **summary preference** in the plurality of **summary preferences, the respective preference value** indicating relative priority for selecting the **corresponding summary preference** for browsing multimedia content of the first genre.

Sezan teaches a method of describing user preferences pertaining to navigation of and access to multimedia content, the method comprising providing user preference information in a user profile, the user preference information describing browsing preference information that specifies a plurality of browsing preferences, a first genre to which the plurality of browsing preferences apply. For example, Sezan discloses a user description scheme provides information regarding the user's preferences for using in combination with other description schemes to enhance ability to search and browse audiovisual information in a personalized and effective manner [see Abstract and Col. 1,

Lines 55-67 and Col. 5, Line 37 to Col. 6, Line 22 and Col. 11, Lines 7-22 and Col. 21, Line 30 to Col. 24, Line 33].

Sezan does not explicitly teach a respective preference value for each browsing preference in the plurality of browsing preferences, wherein the respective preference value indicates relative priority for using the corresponding browsing preference for browsing multimedia content of the first genre. However, Williams, in the same field of multimedia content processing and retrieval related to user's preferences endeavor, discloses the use of weight value in retrieving multimedia information related to user's preferences [see Williams, Col. 9, Line 31 to Col. 10, Line 59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of weight value in obtaining appropriate multimedia information according to user's preference, disclosed by Williams, into user-preferred application description scheme stored in the user profile disclosed by Sezan in order to indicate user preferences regarding the relative importance of that features. Thus, multimedia contents can be efficiently browsed and retrieved in priority manner based on the ranking of objects predefined by user preferences.

As a result, cited prior art does disclose a system and method as broadly claimed by the applicant. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter recited in independent claims. Dependent claims are also rejected at least by virtue of dependency on independent claims and by other reasons shown above. Accordingly, claims 13-18 are respectfully rejected.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Tran

Philip B. Tran
Primary Examiner
Art Unit 2155
Feb 17, 2006